

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00523/2016

Date of Order: 07.01.2020

C O R A M

HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER



Pramila Devi, W/o Sri Hira Lal Rajak, resident of Mohalla- North Mandiri,
District- Patna.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India, through the Secretary Cum D.G., Department of Posts, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Director of Postal Services (Hq), O/o Chief Postmaster General, Bihar Circle, Patna.
4. The Sr. Superintendent of Post Offices, Patna Division, Patna.
5. The Sr. Postmaster, Bankipore Head Post Office, Patna.

.... Respondents.

By Advocate: - Mr. G.K. Agrawal

ORDER
[ORAL]

Per Dinesh Sharma, A.M:- In the instant OA, the applicant has prayed for directing the respondents authorities to regularise the services of the applicant against Group D/MTS post w.e.f. the date of her eligibility with all consequential benefits.

2. The applicant has claimed that she entered the department of posts in 1982 at Bankipore Head Post Office as Water Woman and she is continuing their till date. From time to time orders have been issued by the administration and enhancing the working hours of the applicant. By letter dated 30.08.2013 she was asked to give her willingness for selection against MTS. She has given her willingness on 02.09.2013. However, even after completion of 35 years of continuous service the claim of the applicant has been kept pending denying her the benefits after regularisation of service. The applicant has stated that a policy decision in pursuance of Hon'ble Supreme Court's judgment in Uma Devi's case it has been stipulated that the casual labours having worked for 10 years of more are to be regularized. However, inaction of the department in regularising her services is causing irreparable financial loss and hence, this OA.



3. The respondents have filed a written statement in which they have stated that the applicant was engaged as contingent paid water woman vide memo dated 04.05.1987, made effective from 09.03.1982. The appointment was purely temporary and liable to be terminated at any time. The working hours of Waterman was only 5 hours which was later enhanced upto 7 hours w.e.f. 01.04.1997. The duty hours were later increased w.e.f. 01.06.1999 to 8 hours and she was granted T/S w.e.f. 01.06.2000. The respondents have also stated that the process of regularisation to the post of MTS is already running and she

would be regularized on her turn depending on fulfilment of necessary condition.

4. The case was heard. During the arguments, learned counsel for the applicant produced decisions of this Tribunal in OA 463/2010 and of the Hon'ble High Court in CWJC No. 12126 of 2017 to support his contention that the Department must take a decision to regularize the applicant in the light of the decision of the Hon'ble Apex Court in Uma Devi's case and also their own policy adopted to implement this decision.



After going through the pleadings and hearing the arguments of the parties, it is clear that the respondents have not denied the existence of their own policy (letter dated 30.06.2014 at Annexure-A/6) under which they are bound to take action for regularisation of all casual labours. The respondents have also not denied considering the case of the applicant but have mentioned that she would be regularized on her turn. Nothing is mentioned in the written statement about when her turn will come and how many persons are there who have a claim superior to her for appointment to a post of Water Woman where she has been working, though initially part-time since the year 1982. We therefore, dispose of this OA with direction to the respondents to consider the case of the applicant for regularisation under their own policy and rules taking into account the judgments of this Tribunal passed in earlier cases cited above which have been confirmed by the Hon'ble High Court. A decision regarding regularisation should be taken and informed to the applicant

by a speaking order within three months from the date of receipt of this order. No costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member

